

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 14, 2003
Tuesday, 9:04 A.M.

The City Council met in regular session with Vice Mayor Martz in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present. Mayor Knight absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Dee Dee Evans, Retired Harry Hynes Memorial Hospice Chaplin, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of January 7, 2003, were approved 6 to 0. (Knight absent)

AWARDS AND PRESENTATIONS

PROCLAMATION Previously approved proclamation was given.

SERVICE CITATION Distinguished Service Citations were presented.

OATH OF OFFICE Municipal Court Judge Bryce Abbott was administered the Oath Of Office by U.S. District Court Judge J. Thomas Marten.

UNFINISHED BUSINESS

STREETSCAPE **AWARD OF CONTRACT – WEST DOUGLAS STREETSCAPE, SENECA TO MCLEAN BOULEVARD.**

(Continued from December 17, 2002)

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 03-0052

On December 17, 2003, the City Council deferred this Item. On July 9, 2002, the City Council approved a project to improve Douglas between Seneca and McLean Boulevard. An attempt to award a contract within the limits of the project budget was not successful. An amending Ordinance has been prepared to increase the budget.

The project consists of reconstructing Douglas to provide a two-lane roadway with diagonal parking and a traffic roundabout at Sycamore and a clock tower will be installed on the traffic island. New sidewalks with landscaping, period streetlights, and a gateway entrance at the east end of the project will be installed. A westbound left turn lane will be constructed on Douglas at Seneca. Intersection corners will be bumped out to shorten crossing distances and provide landscape area.

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The original budget is \$2,625,000. The revised budget is \$3,850,000 of which \$650,000 is paid by the Water Utility and \$3,200,000 is funded by General Obligation Bonds. If only the base bid is selected, then the GO amount needed is \$2,933,000. Funds are available from savings on other projects in the CIP.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard.

Jack Kellogg Jack Kellogg, Delano Business Association, said the project needs to proceed. A major portion of the project is for infrastructure improvements – none of which have been made for many years. Both of the contractors are Kansas employers. Mr. Kellogg urged approval of the base bid.

Mary Lou Rivers Mary Lou Rivers, Delano business owner, urged approval of the street project and all amenities.

Motion -- Gale moved that the base bid be approved, the Contract be awarded, the funds be taken from the Seneca project (Kellogg – Main) instead of funds from the Main Street Project; and the necessary signatures be authorized. Motion carried 4 to 2. Brewer, Pisciotte, no. (Knight absent)

-- carried

ORDINANCE

An Ordinance amending Ordinance No. 45-355 of the City of Wichita, Kansas, declaring Douglas Avenue, from Seneca to McLean Boulevard (472-83608) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

ADDENDUM ITEM (Addendum Item # 6A) **RIVERSIDE PARK**

INCREASE BUDGET: IMPROVEMENTS TO RIVERSIDE PARK. (District VI)

Steve Lackey Director of Public Works reviewed the Item.

Agenda Report No. 03-0092

The Council approved major modifications to the Riverside Park System in the CIP. After being reviewed and discussed at neighborhood planning meetings and incorporating considerable citizen input, the final plan was approved by Council on October 1, 2002, and staff was authorized to solicit construction bids. Bids were received by the City on January 10, 2003. The amount of the bids was such that awarding contracts to complete the entire project within the limits of the project budget will not be possible. An amending Resolution has been prepared to increase the budget.

The project consists of work to be awarded under two separate contracts. The first contract is for work related to street removal, modification and new construction, primarily to Nims, Stackman and Murdock. The second contract is for improvements and modifications to improve the Public's recreational/cultural experience in Central Riverside Park, an area surrounding Park Villa, and in Oak Park.

The original budget totaled \$5,000,000 for design and construction, and was funded in the CIP by General Obligation Bonds. Based on the bids received, the budget needs to be increased. If all the Bid Alternates are accepted, the budget needs to be revised to \$6,300,000.

If Bid Alternates related to construction of the Events Center and surrounding area west of Nims are not accepted, the budget needs to be revised to \$5,600,000. Funds for the budget increase are available from savings in other projects in the Capital Improvement Program. (Riverside Park: Project No. P-390010, OCA No. 785016)

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

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- Council Member Fearey Council Member Fearey said neighborhoods around the area have come together and worked with the architect and Park Department, and have come to an agreement on what the project should be at this stage.
- Council Member Pisciotte Council Member Pisciotte stated that he found it disconcerting that the Council is being asked to increase the capital project by 26 percent. There are tennis courts throughout the community that cannot be rebuilt because there is no money in the CIP and Park and Recreation budgets. This Item should be sent back to the DABs and Park Board regarding use of funds.
- Council Member Gale Council Member Gale suggested a workshop be held regarding the River Corridor Project.
- Motion -- Fearey moved that the budget increase be approved; the Resolution be amended; the Contract be awarded to Robl Construction by accepting the base bid and options 1, 3, 4, 5, and 9; \$600,000 be transferred from the two-way Main Street Project; options 6, 7, and 8 be reprogrammed (the Events Center) in the revised 2003 CIP; the use of the remaining funds from the two-way Main Street Project be approved for the rehabilitation of Main Street, Douglas to Murdock; and the conversion of Main Street to two-way be taken completely out of the CIP at this time.
- Subst. motion-- Lambke moved substitute a that the Item be deferred until the February 4, 2003, Council meeting.
-- carried Substitute motion carried 6 to 0. (Knight absent)

NEW BUSINESS

DOWNTOWN DEV.

PRESENTATION OF 2002 WICHITA DOWNTOWN DEVELOPMENT CORPORATION PROGRESS REPORT.

The presentation was given by Ed Wolverton, President, Wichita Downtown Development Corporation.

Business Development:

- Created data base on downtown properties
- Assembled key demographic statistics about the downtown market
- Launched a business retention program and visited 14 professional service firms
- Assisted 11 prospects to identify and evaluate downtown investment opportunities
- Participated in a public education process to consider a referendum for a regional events center
- Assisted the City to develop and launch the Façade Improvement Program.

Image Enhancement and Marketing:

- Created a co-operative advertising program to education the community about downtown
- Published two newsletters
- Provided eight presentations to social and civic groups
- Sponsored the Downtown Sounds Concert series
- Developed signs in downtown office buildings about center city events and activities
- Sponsored events during the River and Aviation Festivals
- Partnered with area non-profit agencies to market downtown as a holiday destination

Urban Vitality:

- Facilitated three public workshops
- Purchased street banners
- Managed the Downtown holiday decorations
- Directed a bird remediation program
- Conducted a board review to identify the organization's priority needs

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Organization Development:

- Initiated establishment of a Self-Supporting Municipal Improvement District
- Coordinated two SSMID meetings
- Recruited and hired a chief executive officer and staff
- Developed financial and accounting systems
- Established reporting benchmarks

Other:

- Assisted the City to develop and launch the Ambassador Program
- Assisted the City to evaluate proposals for re-use of the Farm and Art Market Building
- Assisted Sedgwick County to sell the former La Louisiane building on North Emporia
- Published an informational column in a monthly newspaper
- Appointed to the Wichita Area Convention and Visitors Bureau Board of Directors

Mayor Knight

Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Martz moved that the presentation be received. Motion carried 6 to 0. (Knight absent)

CU2001-69

CONSIDERATION OF CONDITIONAL USE PERMIT CU2001-69 REVOCATION.

Dale Miller

Acting Director of Planning reviewed the Item.

Agenda Report No. 03-0053

On September 17, 2002, the Wichita City Council approved Resolution 02-424 that authorized a zoning "conditional use" for a rock crushing operation on Lot 3 of the Burlington Northern Industrial Center Addition (CON2001-69). This lot is located on the west side of Ohio Street - - about the 3200 block north. CON2001-69 was granted to Wittmer, Inc. and Kansas Realty Company, LLC, operators and/or owners of the proposed rock crushing operation and property.

The granting of the conditional use was expressly subject to ten (10) conditions of approval. Condition #3 stipulated in part, that "Landscaping shall be completely installed 60 days after approval of the Conditional Use." Staff inspections of the site in early to mid-December 2002 revealed that the berming, landscaping and irrigation required by Condition #3 had not been installed, and that no revised landscape plans had been submitted for review by the City. Condition 10 of CON2001-69 states that "Any violation of the conditions of approval will allow the Conditional Use to be declared null and void."

Section VIII-E of the Wichita-Sedgwick County Zoning Code (UZC), gives the City Council the authority to withhold or revoke "all permits, certificates or other forms or authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of the Code or of a condition or qualification of a permit, certificate or approval or other authorization previously granted by the City, County, Planning Commission or the applicable Board of Zoning Appeals." Therefore, on December 16, 2002, in accordance with the enforcement procedures set forth in Section VIII-F.1 of the UZC, the Superintendent of Central Inspection gave written notice of the Conditional Use violations to both Wittmer, Inc. and Kansas Realty Company, LLC. The notice stated that unless the required landscaping was installed within 15 days, the Conditional Use could be declared null and void, and the Wichita City Council could take immediate steps to revoke approval of CON2001-69 (as prescribed in Section VIII-E.4 of the UZC).

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On December 30, 2002, Allen Farrington, representing Wittwer, Inc., contacted the Superintendent of Central Inspection in regard to its December 16, 2002 violation notice, indicating that Wittwer, Inc. had decided not to pursue rock crushing at this site if the proposed adult soccer field was installed on the lot directly abutting on the north. Since the location of the adult soccer field has now been moved farther north to 37th Street, Mr. Farrington indicated that Wittwer, Inc. may wish to proceed with rock crushing as allowed by CON2001-69, although no final decision had been made by the company as to whether they are willing to install the landscaping, berming and irrigation as required by Condition 3 of CON2001-69.

Even though the intent of the Council was to relocate the adult soccer fields, the current field (adjacent to the site) has been improved for recreational play and will be used for soccer play unless sold or utilized for business purposes at a future date. Regardless as to the use of this property, it would be appropriate to require the landscaping and berming conditions to reduce the impact of whatever future use from a rock crushing operation.

Mr. Farrington was informed on 12/31/02 and again on 1/3/03 that the City Council would be conducting a hearing in January (or early February) to consider whether or not to declare CU2001-69 "null and void". On January 6, 2003, Wittmer, Inc. was informed in both writing and by telephone that the hearing would be conducted during the January 14, 2003 City Council meeting.

The City Council has an investment of \$330,000 (purchase \$195,000 and \$138,000 for improvements) in this property. The field will be ready for soccer play in later 2003.

Per Section VIII-E.4 of the Wichita Sedgwick County Unified Zoning Code, the City Council is authorized to revoke an approved Conditional Use upon notice to the applicant and other known parties in interest and after a hearing. The applicants and known parties in interest have been given appropriate notice of the violations, and have been properly informed of this January 14, 2003 hearing.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion -- carried Fearey moved that CU2001-69 be declared null and void. Motion carried 6 to 0. (Knight absent)

HARRY ST. IMP. HARRY STREET IMPROVEMENT - BETWEEN I-135 AND GEORGE WASHINGTON BOULEVARD. (Districts I and III)

Neil Cable City Engineer reviewed the Item.

Agenda Report No. 03-0054

The 2003 Capital Improvement Program includes a project to improve Harry, between I-135 and George Washington Boulevard. The City Engineer's Office has presented the plan to affected property owners, tenants, and to the Districts I and III Advisory Boards. Both District Advisory Boards recommended approval of the project with the stipulation that paved off-street parking be provided along portions of the north side of Harry, adjacent to residential property with limited on-site parking.

The recommended design plan provides for the reconstruction of Harry to provide four through lanes and a center two-way left turn lane. Paved off-street parking will be constructed along a portion of the north side of Harry. The project is scheduled for letting this spring with completion in the fall.

The project budget contained in the Capital Improvement Program is \$2,100,000 with \$700,000 paid by the City and \$1,400,000 by Federal Grants administered by the Kansas Department of Transportation.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion -- Lambke moved that the project be approved; the Ordinance be placed on first reading; and the signatures, as necessary for State/Federal Agreements be authorized. Motion carried 6 to 0. (Mayor Knight, absent)
-- carried

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ORDINANCE

An Ordinance declaring Harry Street, between I-235 Freeway and George Washington Boulevard (472-83686) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

HARRY ST. IMP. HARRY STREET IMPROVEMENT - BETWEEN OLIVER AND WOODLAWN. (District III)

Neil Cable

City Engineer reviewed the Item.

Agenda Report No. 03-0055

The 2003 Capital Improvement Program includes funding to improve Harry between Oliver and Woodlawn. On April 3, 2002, District III Advisory Board considered the project. The Board took no formal action but indicated support.

The project consists of widening Harry to provide four through lanes and a center two-way left turn lane. A new storm water sewer system will be installed. The available right-of-way will be landscaped. The project is scheduled for letting this spring with completion in the fall.

The project budget contained in the Capital Improvement Program is \$3,000,000, with \$800,000 paid by the City and \$2,200,000 by Federal Grants administered by the Kansas Department of Transportation.

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard.

Rick Putnam

Rick Putnam, apartment owner, inquired as to whether off-street parking would be provided for all apartment complexes that now have parking which backs onto Harry Street.

Neil Cable

City Engineer said the intent is to provide off-street parking for the apartment units.

Motion --

Lambke moved that the project be approved; the Ordinance be placed on first reading; and the signatures, as necessary for State/Federal Agreements be authorized. Motion carried 6 to 0. (Mayor Knight, absent)

-- carried

ORDINANCE

An Ordinance declaring Harry Street, between Oliver and Woodlawn (472-83685) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, introduced and under the plans laid over.

WRECKER SERVICE CONSIDERATION OF ORDINANCE TO ADJUST WRECKER SERVICE STORAGE FEES.

Gary Rebenstorf

Director of Law reviewed the Item.

Agenda Report No. 03-0056

Emergency Wrecker Companies have requested that daily storage fees for emergency tows be increased \$2.50 per day. The increase is requested to offset increased costs of storage, fuel and other operational expenses.

The proposed amendment increases the daily storage fees allowed to be charged by Emergency Wrecker Services to fifteen dollars per day.

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There are no financial Considerations.

Vice Mayor Martz Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion -- carried Martz moved that the Ordinance be placed on first reading. Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance amending Section 3.49.130 of the Code of the City of Wichita, Kansas, pertaining to fees for emergency wrecker service, introduced and under the plans laid over.

OFF AGENDA ITEM FAIR FARES

Motion -- Pisciotte moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried
-- carried 6 to 0. (Knight absent)

Council Member Pisciotte Council Member Pisciotte shared information released regarding Fair Fares.

There was a 55.8 percent increase, setting an all-time record, in holiday season volumes at the Airport. There was a 18.4 percent increase in total passenger volumes over 2001, and the second best passenger count ever at Mid-Continent Airport.

OFF AGENDA ITEM UNEMPLOYED ASSISTANCE

Motion -- Martz moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried
-- carried 6 to 0. (Knight absent)

Council Member Martz Council Member Martz said the Mayor had challenged the City Council to provide alternative proposals on how to assist the unemployed for consideration. There are minor street repairs, park golf course, and public housing maintenance, and other jobs to be done by the City. The City has the framework to hire limited employees.

Motion -- Martz moved that Staff be directed to identify projects that are labor intensive and currently in the established budget. Those projects may be moved up on the calendar as rapidly as possible. Projects identified are to be supervised by City Staff and the labor to be conducted by anyone who resides in Wichita that is listed as unemployed. To qualify for these jobs, the individual must be 1) a resident of Wichita, 2) unemployed, 3) and provide proof that unemployment benefits have expired. The pay shall be based at \$6/hour with a maximum income of \$500.

Council Member Brewer Council Member Brewer said last week, the City Council decided to entertain dialogue from the community, and questioned whether the dialogue is still planned. There are also problems with the motion. How many jobs would this create: 50 jobs does not address the City's large problem. The City has x number of potholes and there would be x number of people to repair. Does the City have the necessary equipment to complete these tasks? There would also be an additional cost for supervision to ensure the job is done correctly. And, the City would have liability costs. Staff should be asked to provide information regarding jobs available, costs, resources, supervision costs, etc.

Council Member Martz Council Member Martz said this proposal would not replace jobs already bid – rather jobs that can be moved up. The time factor would be accelerated and the tasks would be brought on-line. This does not replace the other dialogue of encouraging people to donate to charities or the dialogue within the community. This would find temporary jobs now to help people earn money and provide services needed in the City.

Council Member Pisciotte Council Member Pisciotte expressed concern with too many agendas running at the same time. This should be put with other suggestions to be considered by the community dialogue.

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-- carried

Motion carried 4 to 2. Brewer, Pisciotte – No. (Knight absent)

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GO BOND/NOTE SALE GENERAL OBLIGATION TEMPORARY NOTE SALE, SERIES 207; AND GENERAL OBLIGATION BOND SALE, SERIES 772 AND 773.

Agenda Report No. 03-0057

The City is offering for sale one series of General Obligation Temporary Notes totaling \$90,700,000 and two series of General Obligation Bonds totaling \$28,760,000 for the purpose of providing temporary and permanent financing for duly authorized capital improvement projects of the City.

The proceeds of the Series 207 Temporary Notes will be used to provide interim financing for various City-at-large, improvement district projects and Sewer Utility capital projects. The proceeds of the Series 772 Bonds will be used to permanently finance various neighborhood improvements located in special improvement districts. The proceeds from the sale of Series 773 Bonds will be used to permanently finance certain City-at-large projects.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 207 Temporary Notes will mature August 21, 2003, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 772 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 773 Bonds will mature over ten years and will be paid from the citywide mill levy for debt service and the revenues accruing to various City enterprise funds. The Series 772 Bonds will be callable in 2009 and the Series 773 Bonds will be callable in 2007 with a 1% call premium, in accordance with the City's debt management policy.

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances which have been prepared by Bond Counsel.

Winton Hinkle

Bond Counsel explained that for General Obligation Temporary Notes, Series 207, there were two identical lowest bids submitted. Under terms of sale, the decision may be made on any chosen basis. The recommendation is that the decision be made on a basis of random chance. In this instance, a coin was tossed with the result going to Zions First National Bank. This is the recommendation.

Kelly Carpenter

Assistant Finance Director reviewed the low-bid results:

General Obligation Renewal and Improvement Temporary Notes, Series 207

Zions First National Bank – 1.082089 percent total interest cost

General Obligation Bonds, Series 772

Salomon Smith Barney – 3.949466 percent total interest cost

General Obligation Bonds, Series 773

Wells Fargo Brokerage – 3.313290 percent total interest cost

Vice Mayor Martz

Vice Mayor Martz inquired if anyone wished to be heard and no one appeared.

Motion --

Martz moved that the sale of the Bonds and Temporary Notes be awarded as outlined above; the Declaration of Emergency be approved and the Bond and Note Ordinances be adopted on first reading; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

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ORDINANCE NO. 45-544

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Renewal and Improvement Temporary Notes, Series 207, of the City of Wichita, Kansas, in the total principal amount of \$90,700,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the Notes; and making certain other covenants and agreements with respect thereto. Martz moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

ORDINANCE NO. 45-545

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 772, of the City of Wichita, Kansas, in the total principal amount of \$15,420,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and Agreements with respect to the Bonds. Martz moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

ORDINANCE NO. 45-546

An ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 773, of the City of Wichita, Kansas, in the total principal amount of \$13,340,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the Bonds. Martz moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

CITY COUNCIL AGENDA

APPOINTMENTS

APPOINTMENT OF NAMING COMMITTEE FOR THE SENECA STREET BRIDGE.

Motion --

Martz moved that the appointments of Laurie Lawrence (Brewer), Susan Pompeo (Brewer), Laura Simpson (Lambke), Mary Lou Rivers (Gale), Terri Schmidt (Martz), and Helen Barnes (Fearey) be approved. Motion carried 6 to 0. (Knight absent)

-- approved

BOARD APPOINTMENTS.

No appointments were made.

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CONSENT AGENDA

Martz moved that the Consent Agenda be approved as consensus Items. Motion carried 6 to 0. (Knight absent)

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 13, 2003.

Constructing Roundabouts and other Paving in Riverside Park to serve Riverside Park - north of Central, west of Waco. (/602411/) Traffic to be maintained during construction using flagpersons and barricades.

Cornejo & Sons Inc. - \$1,005,720.73 (Bid total with alternates)

Paving Douglas from Seneca to McClean Boulevard. (472-83608) 706846/636112). (District IV)

Referred to City Council for January 14, 2003 meeting.

Martz moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Improving Riverside Park. (785016)

Referred to City Council for January 14, 2003 meeting.

PUBLIC WORKS DEPARTMENT/TRAFFIC MAINTENANCE DIVISION: Street Name Signs. (132217)

Vulcan Signs - \$5,907.98* (Total net bid)

*Award redirected

Martz moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

LICENSES

APPLICATION FOR LICENSE FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

Renewal Adult Entertainment

Donna Moody	Wichita Inn Motel System dba Paradise Inn	2020 South Broadway
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Motion --
-- carried

Martz moved that the license be approved subject to Staff review and approval. Motion carried 6 to 0. (Knight absent)

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APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Bao Tran	Bih Fast Trips	2795 South Seneca
Bao Tran	Bih Fast Trips #4	10409 West Maple
Bao Tran	Bih Fast Trips #5	3445 West Douglas
David Bullington	Sam's Club #6418	3415 North Rock Road

Motion --
-- carried

Martz moved that the licenses be approved subject to Staff review and approval. Motion carried 6 to 0. (Knight absent)

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no subdivision plans and specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Harvest Park Tennis Court Rehabilitation Project 2003 to serve Harvest Park - south of 13th, east of Westlink. (472-83633/785030/785023/393162/392155) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$80,000.00
- b) Lateral 269, Main 5, Sanitary Sewer #22 to serve Ray Allen Addition - north of 9th, west of Hoover. (468-83480/743939/480627) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$13,650.00
- c) Lakeview Drive, from the east line of Stagecoach to the west line of Cactus; Cactus, from the east line of Lot 6, Block 3 to the south line of Kellogg Ave.; Cactus Court from the east line of Cactus to and including the cul-de-sac to serve Springdale East Second Addition - south of Kellogg, east of 143rd Street East. (472-83482/765761/490872) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$250,000.00
- d) Water distribution system to serve Springdale East Second Addition - south of Kellogg, east of 143rd Street East- (448-89658/735093/470763) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$66,000.00
- e) Water distribution system to serve Remington Place - south of 21st Street North, east of Webb. (448-89569/735095/470765) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$139,950.00
- f) Water distribution system to serve Remington Place - south of 21st Street North, east of Webb. (448-89570/735096/470766) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$38,250.00
- g) Lateral 35, Main 24, War Industries Sewer to serve Remington Place - south of 21st Street North, east of Webb. (468-83247/743958/480646) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$140,000.00
- h) Lateral 36, Main 24, War Industries Sewer to serve Remington Place - south of 21st Street North, east of Webb. (468-83248/743959/480647) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$88,000.00
- i) Main 12 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83505/743952/480640) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$275,000.00

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- j) Lateral 1, Main 12 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83510/743953/480641) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$46,344.00
- k) Lateral 4, Main 12 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83513/743954/480642) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$63,000.00
- l) Lateral 1, Main 13 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83507/743955/480643) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$147,000.00
- m) Storm Water Drain #189 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83500/751320/485211) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$400,000.00
- n) 2002 Planeview Sanitary Sewer Reconstruction, Phase 2 - north of 31st Street North, east of Hillside. (468-83555/622238/642346) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$370,000.00
- o) Amended first partial – Fire equipment replacement – (435-347/792377 - \$111,479

Motion --
-- carried

Martz moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0.
(Knight absent)

IMPROVEMENTS

PETITIONS FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE WHEATLAND COMMERCIAL ADDITION – WEST OF HOOVER, SOUTH OF MACARTHUR. (District II)

Agenda Report No. 03-0058

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer, and water service to an office park located west of Hoover, south of MacArthur.

The Petitions total \$70,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion --
-- carried

Martz moved that the Petitions be approved and the Resolutions be placed on first reading. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-029

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89778, (west of Hoover, south of MacArthur), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

RESOLUTION NO. 03-030

Resolution of findings of advisability and resolution authorizing improving of Lateral 492, Southwest Interceptor Sewer, (west of Hoover, south of MacArthur) 468-83580, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas,

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presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent).

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 03-0091

BRB Contractors, Inc. is requesting the closure of Westdale between Zoo Blvd. and West Lynn from approximately 8:30 a.m. February 1, 2003 through mid to late March 2003 as allowed by the project specifications.

BRB is continuing the installation of a 66-inch water line in northwest Wichita and will be nearing the area near Westdale and Zoo Blvd. in the near future. On, or about, February 1, 2003, Westdale will be closed east of Zoo Blvd. to allow the water line installation in the Westdale street right-of-way. The depth of the excavation will require a large portion of pavement removal at the crossing of Westdale and a partial removal of the Westdale pavement as the water line parallels Westdale toward Zoo Blvd. Westdale is expected to reopen near the end of March 2003.

During the closure, Westdale traffic will be detoured using West Street, 13th Street, and Zoo Blvd. The contractor is responsible for construction barricades, detour signing, and notification of affected businesses and residents.

There are no financial Considerations.

Motion -- carried Martz moved that the street closure be approved. Motion carried 6 to 0. (Knight absent)

CLAIMS ALLOWED REPORT ON CLAIMS ALLOWED – NOVEMBER 2002.

<u>Name of Claimant</u>	<u>Amount</u>
Atwood, Tammy	\$267.90**
Fox, Su	\$507.21
Jacques, Andy	\$349.41
Kansas Truck Equipment Co., Inc.	\$683.70
Myshka, Paul	\$391.00
Sager, Melissa	\$156.73
Sedgwick County Risk Mgmt	\$2,457.10

** Settled for lesser amount than claimed.

Motion -- carried Martz moved that the report be received and filed. Motion carried 6 to 0. (Knight absent)

EASEMENT ENCR. EASEMENT ENCROACHMENT AGREEMENT - SAWMILL CREEK ADDITION. (District II)

Agenda Report No. 03-0059

The Agreement allows Sawmill Creek LLC to occupy and construct, improvements on, over, and across the aforesaid a public utility and drainage easement 10 feet in width described as the north 10 feet and the east 10 feet of Lot 52, Block 6, Sawmill Creek Addition; hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be a concrete wall constructed parallel and on above said easement. The Agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

There are no financial considerations.

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Motion -- Martz moved that the Agreement/Contract be approved and the necessary signatures be authorized
-- carried Motion carried 6 to 0. (Knight absent)

RIGHT-OF-WAY **RIGHT-OF-WAY AGREEMENT – PROTECTION ONE, INC.** (Districts I and VI)

Agenda Report No. 03-0060

Protection One's operations center is located at its building at 800 East Waterman. It is establishing a backup site solution for its alarm monitoring business in its building at 120 East First Street. It seeks to connect these facilities with fiber optic cables.

Protection One has submitted a proposed route to connect its Wichita facilities. The company has been unsuccessful in obtaining dark fiber from any local vendor (Cox Communications, Adelphia, and Southwestern Bell). They therefore, seek to install the dark fiber themselves. A route map is attached. The route will run north along Market to Second Street, east in Second Street to Rock Island, south on Rock Island to an existing mid-block manhole in the block south of Douglas.

Protection One's contractor will install fiber inter-duct and fiber optic in existing empty conduit space owned by Westar Energy for virtually the entire route. Street disruption will be limited to one street boring from either existing manhole 1541 (see route map) or existing manhole 2271 (see route map) to an existing Cox fiber manhole on private property just west of manhole 1541 or to a new building penetration at 800 E. Waterman respectively. This route will minimize traffic disruption and street damage and has been reviewed and approved by the City Engineer.

The proposed term is for five years with a mutually agreeable option to renew for an additional five years.

Under the Agreement the City of Wichita will receive revenues of \$2.50 per linear foot of public right-of-way for the route during the term of the Agreement. The route is approximately 4,300 feet long and the estimated fee is \$10,750 per year.

The Law Department has developed the Agreement and has approved it as to legal form. The Agreement is subject to approval of conditions.

Motion -- Martz moved that the Agreement be approved, subject to conditions, and the signatures be authorized.
-- carried Motion carried 6 to 0. (Knight absent)

SAWMILL CREEK **SUPPLEMENTAL – CONSTRUCTION ENGINEERING AND STAKING FOR SAWMILL CREEK ADDITION – EAST OF ROCK, NORTH OF 45TH STREET NORTH.** (District II)

Agenda Report No. 03-0061

The City Council approved the project on September 10, 2002. On November 19, 2002, the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements in Sawmill Creek Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$48,240 and will be paid by special assessments.

Motion -- Martz moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Knight absent)

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DESIGN SERVICES SUPPLEMENT AGREEMENT FOR DESIGN SERVICES – WEBB ROAD AT K-96 RAMPS AND 29TH STREET NORTH. (District II)

Agenda Report No. 03-0062

On April 16, 2002, the City entered into an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design traffic signals for Webb Road at K-96 Ramps and 29th Street North. The fee was \$20,160.

MKEC was asked to produce two separate sets of plans instead of one. The signalization of the two interchange ramps is financed by a combination of City General Obligation Bonds and Federal Grants administered by the Kansas Department of Transportation (KDOT). The plans for the signal at Webb and 29th had to be pulled out of the plan set that was submitted to KDOT. A Supplemental Agreement has been prepared for the additional design services.

Payment will be on a lump sum basis of \$4,900, and will be paid by General Obligation Bonds.

Motion -- Martz moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Knight absent)

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - REEDS COVE AND REED'S COMMERCIAL ADDITIONS – SOUTH OF 21ST, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0063

The City Council approved the project on January 7, 2003.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Reed's Cove & Reed's Commercial Additions. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$200,100, and will be paid by special assessments

Motion -- Martz moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Knight absent)

SWIMMING POOL SWIMMING POOL IMPROVEMENTS.

Agenda Report No. 03-0064

The 2003 Park and Recreation CIP will provide funding for improvements to various swimming pools across the city on a periodic, as-needed basis.

The Park and Recreation Department maintains and operates twelve municipal pools within the City's park system. Annual maintenance includes sandblasting, repainting, and leak repair of pool shells, replacement of ladders and diving boards, and other items necessary to keep the pools aesthetically attractive and safe for the public's use.

Pools identified for improvements in 2003 include Harvest and Minisa.

Funding in the amount of \$100,000 will be available within the City's 2003 capital improvement budget to fund the improvements. The source of funding is General Obligation bonds.

Motion -- Martz moved that the Resolution be adopted; and initiation of the project and necessary signatures

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-- carried be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-031

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the renovation of various park facilities, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

PARK LIGHTING

PARK LIGHTING.

Agenda Report No. 03-0065

The Park and Recreation Department is responsible for ensuring that the City's parks, park facilities, and recreation centers are well lit to provide for the safety of patrons.

The 2003 Park Capital Improvement Program (CIP) includes \$50,000 for the placement of outdoor lights in new and existing parks and the replacement of damaged light fixtures at existing parks, park facilities, and recreation centers (P-392003, p. 218). Funding will provide for necessary installations and safety improvements at a number of parks and facilities located throughout the city.

The 2003 Park CIP includes \$50,000 for the construction and replacement of park lighting at City parks, park facilities, and recreation centers. The funding source is general obligation bonds.

Motion -- Martz moved that the Resolution be adopted; and initiation of the project and necessary signatures
-- carried be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-032

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the placement and replacement of outdoor lighting at various City parks, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, (Knight absent)

PARK FACILITIES

FACILITIES RENOVATION.

Agenda Report No. 0066

The Park and Recreation Department has a number of existing facilities and park amenities that are aging and in need of renovation.

The 2003 Park Capital Improvement Program (CIP) includes funding for the renovation of park facilities (P-391001, p. 217). Renovation will protect the City's investment in these facilities, making them functional and aesthetically attractive to citizen users. Preliminary plans call for improvements at, but not limited to, two Recreation Centers, replacement fencing at various athletics venues, and replacement and installation of grills, tables, benches, and bleachers at numerous sites.

The 2003 Park CIP includes \$400,000 for the renovation of park facilities. The funding source is general obligation bonds.

Motion -- Martz moved that the Resolution be adopted; and initiation of the project and necessary signatures
-- carried be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-033

A Resolution authorizing the issuance of bonds by the City of Wichita at large for the renovation of various park facilities, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

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PARK PATHS

PATHS AND SIDEWALKS.

Agenda Report No. 03-0067

The Park and Recreation Department is responsible for ensuring that the City's park paths and sidewalks comply with ADA requirements, meet the requirements of awarded matching grants, and provide for the safety of park users.

The 2003 Park Capital Improvement Program (CIP) includes \$40,000 for the construction and repair of paths and sidewalks in City parks (P-390011, p. 223). Funding will provide for necessary installations and safety improvements at a number of parks located throughout the city.

The 2003 Park CIP includes \$40,000 for the construction and repair of paths and sidewalks in City parks. The funding source is general obligation bonds.

Motion --
-- carried

Martz moved that the Resolution be adopted; and initiation of the project and necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-034

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for public improvements at various city parks, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

PARK IMP.

PARKING LOTS AND ENTRY DRIVES.

Agenda Report No. 03-0068

The Park and Recreation Department has a number of parking lots across the city which—by City code—must be paved. In addition, entry drives and signs to a number of Park and Recreation facilities and sites are in various stages of disrepair and in need of major reconstruction. Facilities and sites impacted include recreation centers, swimming pools, athletic fields, and parks.

The 2003 Park Capital Improvement Program (CIP) includes funding for the paving and reconstruction of parking lots and entry drives and features (P-396003, p. 219). Paving and reconstruction of these access nodes and points will protect the City's investment in Park and Recreation facilities and amenities and enhance their use by fee-paying users, neighborhood groups, and citizens. A request for proposal (RFP) has been developed to request architectural and graphic design plans for new signage in the park system with the cost for these services not to exceed \$30,000.

The 2003 Park CIP includes \$450,000 for the paving and reconstruction of parking lots and entry drives at Park and Recreation facilities and sites across the city. The funding source is general obligation bonds.

Motion --
-- carried

Martz moved that the Resolution be adopted; and initiation of the project and necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-035

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the paving and reconstruction of park and recreation facilities and sites, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

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STREET PROGRAM PROPOSED 2003 CONTRACTED STREET MAINTENANCE PROGRAM.

Agenda Report No. 03-0069

Each year, funding is allocated in the City's budget for contracted repairs and resurfacing of City streets. The Contracted Street Maintenance Programs provide maintenance work including concrete repairs, curb and gutter repairs, bridge repairs, crack repairs, and asphalt surface treatments of city streets. The Street Maintenance budget is the primary funding source for this program.

The 2003 Budget, approved by the City Council in August, provides for the following funding levels for contracted street repairs:

Street Maintenance Budget	\$ 4,918,910
Capital Investment Maintenance Program (General Fund)	<u>762,400</u>
Total Contracted Street Maintenance Program	\$ 5,681,310

The City of Wichita is responsible for maintenance of 1,600 miles of paved streets, and 106 miles of dirt streets. In addition, the City maintains 268 bridges and 27 pedestrian bridges. The Department of Public Works utilizes a computerized Pavement Management System (PMS) to assess the street conditions throughout the City, and prioritize needed repairs. Staff uses this information, along with citizen input and CIP planning documents, to develop the maintenance programs.

The 2003 program will provide repairs to approximately 8 miles of arterial streets and 43 miles of residential streets. The arterial street work will focus on concrete repairs, crack repairs, and asphalt resurfacing. Residential street work will consist of concrete repairs, crack repairs, and asphalt resurfacing. One pedestrian footbridge is also scheduled for reconstruction.

Approximately 80 miles of streets have been annexed into the City of Wichita in the past four years. Many of these streets are in poor condition, and in need of extensive repair. The 2003 program will continue to address newly annexed streets.

The proposed total expenditure for Contracted Street Maintenance Programs is \$5,681,310. Funds have been approved in the 2003 Budget for these programs.

Motion --
-- carried

Martz moved that the programs be approved and the budget transfers be authorized. Motion carried 6 to 0. (Knight absent)

UTILITY REV. BONDS WATER AND SEWER SYSTEM UTILITY REVENUE BONDS, SERIES 2003, UNDERWRITER SELECTION AND BOND PRICING.

Agenda Report No. 03-0070

The Water and Sewer utilities have undertaken major capital efforts, beyond the normal level of capital expenditures, for long-term (50 year) service extensions, most notably in the water supply plan and new sewer treatment facilities. Rate increases for the utilities are typically driven by capital costs, and the higher than normal capital effort was projected to occasion substantial annual rate increases.

In December 2001, the City Council considered and approved a Water and Sewer debt financing plan to reduce projected utility rate increases. One element of the debt financing plan involved deferring some of the utility debt beyond the normal 20-year period to extend the amortization period when the customer base has increased and utility capital financing needs were more moderate. In November 2002, acted upon utility rates for 2003 and earlier projections of 5% (Water) and 8% (Sewer) rate increases were reduced to 3%.

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On an interim basis, the City has issued General Obligation Temporary Notes to fund utility capital costs pending implementation of a new plan of finance. Temporary notes have been issued and renewed in the amount of \$50,000,000 and are due to mature and be retired with the revenue bonds on February 20, 2003. Additional capital costs have accumulated such that proceeding with long-term financing is in order.

Existing and projected utility capital costs total more than \$175 million. A portion of the utility capital program is funded from cash. The remainder will require a \$127 million bond issue. In keeping with the previously approved debt financing plan, the portion of the debt related to the long-term (50-year) capital efforts will have a longer term (25-years) than the typical 20-year utility debt.

This plan allows a share of the capital costs to be assumed by future utility customers, and mitigates the rate impact on current utility customer, a form of "inter-generational equity". The bond issue will be structured as follows:

Water, 25-Year:	\$ 25,025,000
Water, 20-Year:	\$ 25,850,000
Sewer, 25-Year:	\$ 37,725,000
Sewer, 20-Year:	<u>\$ 38,675,000</u>
Total	\$127,275,000

The City Council previously approved retention of a Financial Advisor to work with City staff in structuring the bond issue. After review, it is recommended this bond sale use a negotiated approach because of the size of the issue as well as the potential for volatility in the bond market and the need for specialized structuring expertise to achieve optimal savings.

The underwriter(s) of the issue will be selected through a competitive process. Staff sent out a Request for Proposal (RFP) for negotiated underwriting services. Three responses were received. All three proposals were responsive on the qualitative elements of the RFP as to bond issue structure, marketing, pricing and sale. Based on the lowest fee for service, the underwriting firm of George K. Baum is recommended. Baum submitted a proposal to be the Senior Managing Underwriter of a syndicate with other local underwriting firms included as part of the management team.

The Water and Sewer Department has been drawing down cash reserves, in anticipation of the issuance of revenue bonds, in order to fund the costs of improvement projects that were previously authorized for bond financing. The proceeds from the proposed bond sale will reimburse prior cash reserve expenditures, retire outstanding temporary notes and will provide funding for on-going expenditures for capital projects through mid-2004.

The Water/Sewer revenue bonds will be payable solely from the gross revenues of the City's combined Water and Sewer utility. The structure of the debt will be designed so that the timing of the debt service payments matches utility cash flows with coverage. The debt is also structured to ensure equity so that those that will benefit from the projects over time will help pay the cost for the projects.

Principal financing documents will be prepared by the City's Bond Counsel, Hinkle & Elkouri LLC, and approved as to form by the Law Department. Also a Preliminary Official Statement prepared by Bond Counsel and City staff in a form "deemed final" for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), subject to revision, amendment and completion in the final Official Statement, will be distributed to prospective purchasers for the revenue bonds.

Motion --

-- carried

Martz moved that G. K. Baum as the senior managing underwriter on the Series 2003 Water & Sewer Revenue Bonds be approved; Staff be authorized to proceed with negotiations of the bond sale; and the Preliminary Official Statement be distributed. Motion carried 6 to 0. (Mayor Knight, absent)

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HESS PUMP STATION HESS PUMP STATION MOTOR REPLACEMENTS.

Agenda Report No. 03-0071

Hess Pump Station is a vital component of the City's water supply system containing eight pumps. In 2001, two of the synchronous pump motors in the pump station burned out, and as a public exigency, were replaced with larger induction motors. On August 20, 2002, a third motor burned out. Staff had the motor examined, and it was determined that it could not be repaired without a complete rewinding of the motor. Because all of the burned out motors were at, or past, their useful life expectancy, this work was necessary.

Seven of the original pumps were replaced in 1995, and it was found that the new pumps worked the motors harder. General Electric performed an analysis and recommended an upgrade from 1,850 hp to 2,000 hp. GE also advised that the existing motors were maximized and nothing could be done to increase capacities. Staff identified three of the six remaining older synchronous motors that were under the most stress, including the third motor that burned out on August 20, 2002. On October 22, 2002, City Council approved \$2 million for the design Contract with Black and Veatch and for replacement of three synchronous motors.

Cost to replace three constant-speed synchronous motors, including engineering services, is estimated at \$2 million. The construction bid for the Southeast Transmission Line (W-884) was less than the estimated budget; therefore \$2 million can be transferred from W-884 to W-902 (Hess Motor Replacement) without increasing the budget.

City Council approval is required for changes in the Capital Improvement Program.

Motion --
-- carried

Martz moved that the CIP be amended; the Resolution be adopted; and the expenditures and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-036

A Resolution amending Resolution No. R-02-481 pertaining to the replacement of pumps at Hess Pump Station (W-902) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

SANITARY SEWERS RECONSTRUCTION AND/OR REHABILITATION OF SANITARY SEWERS.

Agenda Report No. 03-0072

The Sewer Maintenance Division of the Water & Sewer Department maintains the sanitary sewer system. Preventive maintenance includes the use of closed circuit cameras in evaluating old sewer lines. The sewer lines that are found to be in the poorest condition are then scheduled for reconstruction or rehabilitation. The reconstruction and rehabilitation of sanitary sewers helps to eliminate stoppages, backups, failures, and reduces inflow and infiltration into the system. Maintenance costs are reduced, as well as the inconvenience to customers.

Capital Improvement Program, Reconstruction of Old Sanitary Sewers (CIP #S-4) has a budget of \$3,850,000 for 2003 and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

The Resolution has been approved as to form by the Law Department.

Motion --
-- carried

Martz moved that the project expenditure be approved and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-037

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A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$3,850,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

BUDGET

WATER MAIN INSTALLATION IN GOLD, MACARTHUR TO 35TH STREET SOUTH BUDGET.

Agenda Report No. 03-0073

On June 4, 2002, the City Council authorized the expenditure of \$210,000 to install a water main in Gold St. from MacArthur to 35th St. S. This main will close the gap between the 20-inch line in McLean at 35th St. S. and the 16-inch water line in MacArthur. The project will serve a new elementary school that is being built in the area.

The construction bids are higher than anticipated.

A budget increase of \$25,000 is requested for Gold St. from MacArthur to 35th St. S. (CIP W-845). Funds are available in the 2002 Unidentified Mains (CIP W-65) budget authorization for transfer.

City Council approval is required to transfer funds within the Capital Improvement budget.

Motion --
-- carried

Martz moved that the budget adjustment be approved and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO.03-038

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the City, and to issue Revenue Bonds in a total principal amount which shall not exceed \$235,000, exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

BUDGET

BUDGET ADJUSTMENT – WATER DEPARTMENT.

Agenda Report No. 03-0074

The Water & Sewer Department sets its annual budget anticipating an average year, defined by the average amount of water pumped each year for the past decade. However, 2002 was somewhat hotter and drier than average and the demand for water has been higher than anticipated. The volume of water sold in 2002 is 20.6 billion gallons, 3.9 percent higher than anticipated in the budget.

Revenues are also higher than anticipated in the budget. While the 2002 Revised budget anticipated \$34.9 million in water revenues, revenues through December totaled \$36.3 million, or 104 percent of budget. Following audit adjustments, year-end water utility revenues are expected to be over \$37 million.

The major cost that is higher than anticipated is chemical purchases. Many chemicals are used in the production of potable water, and the amount of chemicals required is directly related to the volume of water produced. In order to close the 2002 fiscal year, vendors must be paid for chemical purchases

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made before year-end. A contingency is included in the Water Utility Fund, to be used when production volume exceeds budgeted projections.

Staff analysis shows that a reallocation of \$84,430 from contingency to commodities will provide sufficient budget authority to meet this need. This amount represents 2 percent of contractual and commodity costs required to produce potable water. The funds are available within the Water Utility Fund.

City Council approval is required for budget transfers of \$10,000 or more.

Motion -- carried Martz moved that the budget adjustment be approved. Motion carried 6 to 0. (Knight absent)

GEORGETOWN VIL. PURCHASE OPTION – GEORGETOWN VILLAGE, INC. (District III)

Agenda Report 03-0075

On March 21, 1985, the Wichita City Council approved the issuance of two Series of Multifamily Housing Development Revenue Bonds, in aggregate principal amount of \$11 Million, to finance the construction of a retirement community to be operated by Georgetown Village Associates, L.P., near Harry and Oliver Streets in Wichita. In September and November of 1987, the City took action by Ordinance to approve the assignment of the project Lease to CSJ Health Systems, as successor Tenant.

Under the provisions of the Lease, the Tenant had the option to purchase the Project from the City of Wichita for the sum of \$100, plus all amounts required to provide for redemption and payment of the principal, interest and premium on all outstanding bonds, together with the Trustee's fees and costs of redemption. In March of 1993, the Trustee sent the City a check for the option payment with a notice that the Tenant had complied with all conditions for exercise of the purchase option. The Trustee's notice letter incorrectly identified the grantee as Georgetown Village Associates, L.P. (the original Tenant), and as a result, the Council Proceedings of April 6, 1993 (Journal 153, page 228) inadvertently authorized conveyance instruments for the wrong entity. There is no indication that the erroneous instruments were ever delivered, and the title to the project is still of record in the name of the City. In the interim between the 1993 attempt to convey the project and the present date, the Tenant's interest under the Lease (and the right to take title under the purchase option) has been transferred to Georgetown Village, Inc., a Kansas not-for-profit corporation.

Under the terms of the Lease, the City should complete the conveyance of the property to Georgetown Village, Inc., and terminate the Lease.

The purchase price and other consideration listed under the provision of the Lease were provided by CSJ Health Systems in 1993, so that no additional payment is due from Georgetown Village, Inc. to complete the exercise of the purchase option.

It is appropriate for the City to convey the Project property to Georgetown Village, Inc. by special warranty deed, and terminate the Lease. The City Attorney's Office has approved the form of the attached Resolution to authorize the execution of the Special Warranty Deed and Termination of Lease Agreement, and the delivery of such documents.

Motion -- Martz moved that the Resolution approving the documents be adopted; and the necessary signatures
-- carried be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-039

A Resolution authorizing the City of Wichita, Kansas, to convey certain real property to Georgetown Village, Inc., a Kansas not-for-profit corporation, and prescribing the form of and authorizing the execution and delivery of certain documents in connection therewith, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

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SETTLEMENT

SETTLEMENT OF LITIGATION.

Agenda Report No. 03-0076

In 2000, the plaintiff Owens suffered various injuries incurred while operating a vehicle involved in a collision with a City of Wichita bus.

After proceeding through discovery, evaluating the extent of the claimed damages, and considering the risks of trial, it was determined that a resolution of this matter is appropriate. After settlement discussions, the City has been offered an opportunity to resolve the action with a lump sum payment as full settlement of all claims arising out of this incident. No admission of liability is made by the City. The purpose of the settlement is to resolve a disputed claim.

Funding for this settlement is from the transit budget.

Motion --
-- carried

Martz moved that the payment of \$20,000.00 as a full settlement of the case be authorized. Motion carried 6 to 0. (Knight absent)

PROPERTY ACQ.

ACQUISITION OF UTILITY EASEMENT AND DEDICATION FOR 2229 NORTH MAIZE ROAD AND 10550 WEST 21ST STREET. (District V)

Agenda Report No.03-0077

The City Council adopted a Resolution on January 25, 2000 declaring it necessary to construct, improve, extend, and enlarge the water and sewer utility owned and operated by the City. Fulfillment of this Resolution requires easements on tracts of land located at 2229 North Maize Road and 10550 West 21st Street. The easements will be used for the installation of a 15-inch sewer line.

The easements and dedication are located on two tracts of ground. The easements will not affect any improvements. A negotiated value of \$23,000 has been reached with the owner.

The budget of \$ 24,500 includes \$ 23,000 for the acquisition and \$1,500 for closing and title work. The acquisition will be funded by sewer utility funds.

Motion --
-- carried

Martz moved that the budget, easements and dedication be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

PROPERTY ACQ.

ACQUISITION OF 1923 NORTH HILLSIDE. (District I)

Agenda Report No. 03-0078

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Marion and Gwendolyn Dubose. The property is located at 1923 North Hillside and is improved with a 796 square foot frame house on a 7,000 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$ 27,000. The owner has agreed to sell for this amount. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$ 41,250 is requested. This includes \$27,000 for the acquisition, \$5,000 for demolition, \$7,250 for moving and relocation and \$2,000 for closing costs and title insurance.

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Motion -- Martz moved that the moved that the budget and the Contract be approved; and the necessary signatures
-- carried be authorized. Motion carried 6 to 0. (Knight absent)

PROPERTY ACQ. ACQUISTION OF INTEGRATED LOCAL WATER SUPPLY PLAN.

Agenda Report No. 03-0079

On October 3, 2000, the City Council authorized several projects for the development of new water supplies for the City. The projects will help to develop the water supplies to meet the City water needs through the year 2050.

The Integrated Local Water Supply Plan (ILWS) includes utilizing several local water supply sources. A major component of the ILWS is to recharge the Equus Beds Wellfield using water from the Little Arkansas River. The project envisions capturing and recharging 100 million gallons per day (MGD) from the Little Arkansas River by using wells adjacent to the river or pulling the water directly from the river. Phase I of this project will capture and recharge up to 10 MGD.

The 28.61 Acre property owned by Tammy Hunnecutt and located in Harvey County is needed for the construction of a facility in the project's first phase. The owner has agreed to accept \$600 per acre for the entire tract. The property will be used for the required facility and its screening. The remaining amount will be utilized as a farm lease, providing income while providing a buffer to the surrounding area.

The budget of \$ 19,000 includes \$ 17,400 for the acquisition and \$1,600 for closing and title work. The acquisition will be funded by water utility funds.

Motion -- Martz moved that the budget, easements and dedication be approved; and the necessary signatures
-- carried be authorized. Motion carried 6 to 0. (Knight absent)

PROPERTY DISP. SALE OF SURPLUS REMNANT OF 8474 EAST KELLOGG. (District II)

Agenda Report No. 03-0090

An offer of \$4.00 per square foot has been received for the City-owned tract of vacant land identified as 8474 East Kellogg. The tract was acquired in 2000 in conjunction with the pending Kellogg/rock Road Interchange project. The site is currently developed with a commercial building. A portion of the building lies in the right-of-way for the pending expansion of Kellogg. This portion will be removed. The remainder will be sold along with the surplus land. The subject tract will contain slightly more than 25,000 square feet.

The buyer intends to redevelop the existing building for use by a retail facility currently located at 8144 East Kellogg. This business is being dislocated by the highway project and wants to stay on the East Kellogg corridor. This site has not been marketed on a speculative basis but has been provided as a replacement site for existing businesses. The current offer is the most advantageous received. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion -- Martz moved that the sale and Contracts be approved; and the necessary signatures be authorized.
-- carried Motion carried 6 to 0. (Knight absent)

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TRANSIT GRANT

SECTION 5307 GRANT FROM FEDERAL TRANSPORTATION ADMINISTRATION.

Agenda Report No. 03-0080

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing Staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize Staff to file for eligible federal funds for the support of the City's transit services for FY 2003 capital purchases and transit operation (pursuant to Section 5307 Urbanized Area Formula Annual Apportionment). The authorized total federal apportionment for FY 2003 is estimated at \$4,008,000. An opportunity will be provided for a public hearing and other public input on January 9, 2002. Section 5307 is an 80% federal, 20% local match program.

The proposed Resolution authorizes funding to support the following:

- Safety Program;
- facility improvements and renovations;
- maintenance, including personnel costs, vehicle overhauls, parts and equipment;
- Special Services, including ADA operating expenses;
- transit enhancement and security projects;
- planning and training activities; and
- purchase of a maintenance support vehicle and a storage shed for road safety materials (salt/gravel).

Total grant budget is \$3,105,510; eighty percent federal share is \$2,484,408. The City of Wichita will fund the local share (\$621,102). Wichita Transit will have \$2,135,252 in federal carryover funds for future projects. These projects are included in the FY 2003 Budget and CIP.

Motion -- carried

Martz moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. 03-040

A Resolution authorizing the filing of an application with the Federal Transit Administration, an operating administration of the United States Department of Transportation, for federal transportation assistance authorized by 49 U.S.C. Chapter 53, Title 23 United States Code, and other federal statutes administered by the Federal Transit Administration to support FY 2003 Section 5307 projects, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JANUARY 7, 2003)

- a) 2003 street rehabilitation program. (Districts II and IV)

ORDINANCE NO. 45-538

An Ordinance declaring Meridian, from Macarthur to Carey Lane, Kellogg Drive, from Greenwich to Zelta, and 127th Street East, Rocky Creek Parkway to 21st Street North (2003 Street Rehabilitation Program) 472-83672, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte.

- b) Service animals.

ORDINANCE NO. 45-539

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An Ordinance amending Sections 6.04.150, 9.22.100, and 9.30.020, all pertaining to service animals, and repealing the originals of said Sections, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte.

- c) SCZ-0712 – southeast corner of 21st Street North and 127th Street East. (District II)

ORDINANCE NO. 45-540

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210 read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. SCZ-0712

- d) ZON2002-41 – southeast corner of 21st Street North and 127th Street East.

ORDINANCE NO. 45-541

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. ZON2001-41

- e) ZON2001-44 - south side of 21st Street North, east of Webb Road. (District II)

ORDINANCE NO. 45-542

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. ZON2001-44

- f) ZON2002-00063 – northwest corner of Maize Road and Central Park. (District V)

ORDINANCE NO. 45-543

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Martz moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. ZON2001-63

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PLANNING AGENDA

Dale Miller Acting Director of Planning stated that the Planning Agenda could be considered as consensus, except Items unless the Council desired to withhold other Items.

Motion -- Martz moved that the Planning Agenda be approved as consensus Items. Motion carried 6 to 0.
-- carried (Knight absent)

DR2000-11

DR2000-11 – ADOPTION OF PROPOSED REZONING FOR CERTAIN PROPERTIES IN THE DELANO NEIGHBORHOOD – EAST OF MERIDIAN STREET, WEST OF THE ARKANSAS RIVER, NORTH OF KELLOGG, AND SOUTH OF CENTRAL AVENUE.
(Districts IV and VI)

Agenda Report No. 03-0081

MAPC Recommendation:	Approve, reflecting all property owner “opt-out” requests received as of 5:00 p.m., December 19, 2002. (12-0 with 2 abstained)
Staff Recommendation:	Approve, reflecting all property owner “opt-out” requests received as of December 19, 2002.
D.A.B. IV Recommendation:	D.A.B. IV recommended approval. (6-1 with 1 abstained)

The Delano community has recognized that the full redevelopment potential and opportunities identified in the Delano Neighborhood Plan adopted in April 2001 cannot be realized under the current zoning designations and requirements. Over the last year, the Delano community has been working on the development of a rezoning initiative that would create a sense of security in the neighborhood and better reflect existing uses. Many areas of the neighborhood are grossly overzoned.

Two official notifications were sent to all registered property owners in the Delano neighborhood advising of the rezoning proposal and the option to “opt-out” of the rezoning proposed for their property. An initial information letter was sent on August 13, 2002 followed by a formal notice letter on September 5, 2002 accompanied by a set of maps showing the proposed changes for each parcel. Copies of the existing and proposed downzoning maps were posted on the City’s web page, and were made available at the four public meetings held prior to the MAPC hearing on September 26, 2002. A full page, colored map legal notice was also placed in the Wichita Eagle on September 5, 2002 showing the existing zoning and proposed zoning maps for the Delano neighborhood.

On September 26, 2002, the Metropolitan Area Planning Commission held a hearing to consider the area-wide down-zoning initiative proposed for the Delano neighborhood. This rezoning initiative was proposed in conjunction with a proposed Overlay District and Design Guideline concept for the Delano area. Following the closure of the hearing, the MAPC passed a motion to deny the proposed Overlay District and Design Guidelines and to defer a decision on the rezoning initiative until the Commission meeting of December 19, 2002. While no one spoke in opposition to the rezoning proposal at the hearing on September 26th, the Commission felt that additional time (beyond the original “opt-out” deadline of September 26th) was necessary to allow property owners to decide their preference on the down-zoning proposal. A public notice advising of the extension of the “opt-out” period until December 19, 2002, was published in the Wichita Eagle on October 24, 2002.

On Wednesday, October 16, 2002 the District Advisory Board (DAB) for Council District IV considered this rezoning initiative. The DAB members voted 6-1 with 1 abstained to recommend approval of the rezoning initiative.

Regarding the Overlay District and Design Guidelines proposal for Delano, the District IV Council member requested that these items be placed on the November 5, 2002 City Council agenda for action, notwithstanding the September 26, 2002 denial recommendation by MAPC. City Council ultimately voted to defer these items until such time as the Delano zoning matter comes before Council; and that a select committee be established to work on resolving the outstanding issues associated with the Overlay District and Design Guidelines.

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At its regular meeting on December 19, 2002, the Metropolitan Area Planning Commission considered the Delano rezoning proposal, deferred from the MAPC meeting of September 26th. No members of the public chose to speak against this item. Four members of the Delano Community spoke in support of the rezoning initiative. Furthermore, representatives from the Delano Neighborhood and Businesses Associations requested that the rezoning proposal for the Delano neighborhood proceed independent of the Delano neighborhood Overlay District and Design Guideline initiatives. There were several reasons for this request. First, it may take several months to discuss and resolve (if possible) the objections to the proposed Overlay District and Design Guidelines. Meanwhile, there has been little opposition to the rezoning concept due to its voluntary nature (the "opt-out" provision) and the fact that no property will be upzoned. Many areas of the neighborhood are inappropriately zoned, and several property owners within these areas have been anxiously awaiting the approval of the rezoning concept in order to refinance or sell their property. If the rezoning issue is not resolved soon, some property owners have indicated that they will be forced to submit individual rezoning applications for their property (at significant individual expense).

MAPC voted to approve the Delano rezoning proposal (12-0, with 2 abstaining), subject to the requirement that it reflect all property owner "opt-out" requests received as of 5:00 p.m., December 19, 2002.

An Ordinance has been prepared that adopts the rezoning of certain properties located in the Delano neighborhood by reference to the legal listing of properties contained in the document entitled "Delano Neighborhood Rezoning as recommended by the Metropolitan Area Planning Commission on December 19, 2002.

Motion --
-- carried

Martz moved that the Ordinance approving the rezoning be placed on first reading. Motion carried 6 to 0. (Knight absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210.

VAC2002-00038

VAC2002-00038 – VACATE PORTION OF PENNSYLVANIA AVENUE – BETWEEN ELM AND THE ST. LOUIS-SAN FRANCISCO RAILROAD RIGHT-OF-WAY. (District I)

Agenda Report No. 03-0082

Staff Recommendation: Approve.

MAPC Recommendation: Approve. (unanimous)

The applicant proposes to turn this section of Pennsylvania Avenue into a private drive to have more control over access into the applicant's property, which is on both sides of this section of Pennsylvania. The Traffic Engineer has determined that vacating this portion of Pennsylvania would have a minimal impact on traffic through the area. The Fire Department has determined that vacating this portion of Pennsylvania would have a minimal impact on its ability to provide services to this area.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. Other documents to be recorded with the Register of Deeds include a covenant tying that portion of the 30-foot Pennsylvania Avenue ROW vacated, Lots 1-29 odd, Shirk's 3rd Addition and Lot 2, Hardy Addition together as one property and dedication by separate instrument an additional 2.6-feet to the 16-foot alley that abuts the west side of Lots 1-29 odd Shirks 3rd Addition, for utility easement. Other considerations include, retaining the western 10-feet of the Pennsylvania Avenue ROW as a utility

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easement, if the Weststar Energy equipment is not moved, retaining the west 20-feet of the Pennsylvania ROW for easement if the water line is not relocated, provide access on the vacated portion of Pennsylvania with a gate approved by the Wichita Fire Department; KNOX Box or SOS type as advised by the Fire Department and the hydrant on the northwest corner of the Elm Street – Pennsylvania Avenue intersection needs to remain accessible to the Fire Department; no fencing allowed that would screen the hydrant from Elm Street

Motion --
-- carried

Martz moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

VAC2002-00039

VAC2002-00039 – VACATE PORTION OF PLAT DESCRIBED AS LOT 31, VANDALE ADDITION – SOUTHWEST OF THE 55TH STREET SOUTH – SOUTH BROADWAY INTERSECTION. (District IV)

Agenda Report No. 03-0083

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

The applicant is requesting to vacate the whole 4.65 acres of Lot 31, Vandale Addition. The plat was recorded with the Sedgwick County Register of Deeds on 09-19-1921. The property was annexed into the City of Wichita in 2000.

The applicant is seeking to delay the payment of special assessments associated with the platted lot for the cost of constructing public improvements, in this case extending City water to the property. Charter Ordinance No. 139 provides City Council authorization to provide for a delay in payment of special assessments for the cost of constructing public improvements, not to exceed 15 years with a possible extension of 10 years, if 50% or less if the property has not been developed. The conditions for the delay of payment of special assessments for the cost of constructing public improvements are as follows;

- (1) The land is in excess of 2 ½ acres.
- (2) Has not been platted
- (3) Primarily used for agricultural purposes
- (4) Has a population density of less than one family per acre
- (5) Not served by public improvement

The vacation of Lot 31 will allow the applicant to meet all five of the conditions listed above, and qualify for the deferment. Staff has been advised that this case is considered unique because of the financial hardship it places on the applicant. The applicant has lived on the site since 1946 and will continue to use well water.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds. The deferment of the payment for the special assessments for the cost of constructing public improvement will cease if any of the 5 conditions cease to be met or if there is a change in the ownership of the property.

Motion --
-- carried

Martz moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

VAC2002-00040

VAC2002-00040 – VACATE PLATTED WALL EASEMENT – SOUTHEAST CORNER OF SANDPLUM CIRCLE AND 34TH STREET NORTH. (District V)

Agenda Report No. 03-0084

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Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

The applicant proposes to build a house on Lot 27, Block F, Ridge Port North 3rd Addition with the drive going out onto 34th Street North. The Office of Central Inspection requires the platted 5-foot wall easement be vacated.

The Planning Staff recommends approval of this vacation request noting that any encroachment into the platted setbacks or any other easements would require a vacation.

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation and adopting the findings of fact that are incorporated in the Vacation Order. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion --
-- carried

Martz moved that the Vacation Order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

ZON2002-00065

ZON2002-00065 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED INDUSTRIAL – NORTH OF 21ST STREET NORTH, WEST OF HOOVER. (District V)

Agenda Report No. 03-0085

MAPC Recommendation: Approve, subject to staff recommendation. (13-0)
D.A.B. V Recommendation: Will hear 1-6-2003.
Staff Recommendation: Approve, subject to platting within one year and subject to the provisions of a Protective Overlay District.

The applicant requests a zone change from "SF-5" Single Family Residential to "LI" Limited Industrial on a 1.84 acre unplatted tract located north of 21st Street North and west of Hoover. The subject property is currently developed with a single family residence, a mobile home, and various accessory structures associated with equestrian activities. The applicant proposes to redevelop the subject property for use by the Sealpak Company, a manufacturing business that is being relocated by the City from 2614 S. Hoover due to a drainage project at their current location.

The surrounding area is characterized by mixed-use suburban-density residential and commercial/industrial development. Property to the north is zoned "SF-5" Single Family Residential and is developed with single family residences and mobile homes. Property to the south is zoned "LC" Limited Commercial and "SF-5" Single Family Residential and is developed with single family residences and mobile homes. West of the subject property is a mixture of commercial/industrial businesses on property zoned "LI" Limited Industrial and "GC" General Commercial. East of the subject property across Hoover is undeveloped land that is zoned "LI" Limited Industrial.

The undeveloped industrial property located to the east across Hoover was approved for rezoning a couple of years ago with a Protective Overlay to limit uses and increase setbacks and screening standards. To maintain consistency with development approvals, planning staff recommends that the subject property be developed under the same Protective Overlay provisions as the property to the east.

At the MAPC hearing on December 19, 2002, there were no speakers, other than the applicant, either in support of or in opposition to the request. The MAPC voted (13-0) to recommend approval of the request subject to platting the property within one year and subject to the following provisions of a Protective Overlay District:

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1. The following uses permitted in the "LI" Limited Industrial District shall not be permitted on the subject property: funeral home, hotel or motel, kennel (boarding/breeding/training), marine facility (recreational), microbrewery, night club, parking area (commercial), pawnshop, recreation and entertainment (outdoor), tavern and drinking establishment, vehicle and equipment sales (outdoor), asphalt and concrete plant (general), gas and fuel storage and sales, landfill, mining or quarrying, oil or gas drilling, rock crushing, solid waste incinerator, transfer station, vehicle storage yard, and agricultural processing.

2. The subject property shall have an increased front building setback of 35 feet.

3. All outdoor storage uses on the subject property shall be screened on all sides by a solid screening wall or fence constructed of standard building materials customarily used for wall and fence construction such as brick, stone, concrete masonry, stucco, concrete, or wood.

Motion --

Martz moved that Council concur with the findings of the MAPC and approve the zone change, subject to the additional recommended provisions of a Protective Overlay District and subject to the condition of platting within one year; and that the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

-- carried

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

AIRPORT

REMODEL OF THE SECOND FLOOR TERMINAL BUILDING.

Agenda Report No. 03-0086

On November 5, 2002, the City Council approved a contract with General Services Administration (GSA) to lease 8,626 sq. ft. of space in the Terminal Building to the Transportation Security Administration (TSA), for a three-year period with one two-year option. Part of the agreement was to remodel the space according to GSA guidelines.

A contract with Gossen Livingston Associates, Inc. has been prepared to provide consulting services required for the remodel of the second floor, west end of the Terminal Building.

The cost of the design, bidding phase and construction-related services and administrative fees is \$50,000. It is estimated that remodel of the basic shell will be funded with General Obligation Bonds paid with airport revenue, and will be recovered through rentals to the TSA. The GSA has agreed to reimburse the Airport for the tenant-finish portion of the improvements either in a lump-sum payment or by amortizing the improvements over the first three years of the lease.

The Law Department will approve the contract and the Authorizing Resolution has been approved as to legal form.

Motion --

Martz moved that the project budget and Contract be approved; the necessary signatures be authorized; and the Resolution be adopted. Motion carried 6 to 0. (Knight absent)

-- carried

RESOLUTION NO. A-03-002

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting for the nature of said improvements; the estimated costs thereof; and the manner of payment of the same, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte. (Knight absent)

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AIRPORT

AIRFIELD PAVEMENT – TERMINAL APRON PHASE I AND II, AND RUNWAY SHOULDER/BLAST PAD REHABILITATION.

Agenda Report 03-0087

On March 5, 2002, the City Council approved a bid submitted by Paver's Inc. in the amount of \$544,293.00 for the rehabilitation of the Terminal Apron (Phases I and II) and rehabilitation of Runway 1R/19L shoulders and blast pads on Wichita Mid-Continent Airport.

The change order adjusts quantities to reflect what was built on the Terminal Apron and Runway 1R/19L and will result in a contract amount of \$585,907.45.

The cost of the change order is \$23,709.25 and will be funded with an FAA grant and Passenger Facility Charges. The budget will need to be adjusted by the change order amount.

Motion --
-- carried

Martz moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

AIRPORT

AIRFIELD PAVEMENT TAXIWAY "M" CONSTRUCTION.

Agenda Report 02-0088

On April 2, 2002 City Council awarded Ritchie Paving the contract for the Taxiway "M" construction project in the amount of \$9,170,246.13.

A change order has been prepared to allow for modifications to the project.

The change order of \$18,414.78 is within the approved budget and will be paid for with and FAA grant, Passenger Facility Charges and Airport Revenue.

The change order will be approved by the Law Department and will be reviewed and approved by the FAA.

Motion --
-- carried

Martz moved that the change order be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

AIRPORT

AIRPORT MARKETING SUPPLEMENTAL AGREEMENT.

Agenda Report No. 03-0089

Last year, Wichita Mid-Continent Airport had experienced new and expanded airline service. The Wichita Airport Authority found it to be in the best public interest to promote these services locally to educate the traveling public. It is critical to the success of Mid-Continent Airport that those in our catchment area be aware of our new services.

August, an official RFP was distributed through the Purchasing Department. The entries were reviewed by a committee consisting of Airport officials, Fair Fare\$ committee members and representatives from the City Manager's Office. After reviewing entries and presentations, it was determined that Greteman Group would be the best agency for this campaign. The committee selected this agency because they had offered a creative platform that had both short-term and long-term capabilities, and were able to maximize the available funds in media and territory.

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In October, the campaign created by the Greteman Group named "Ditch the Drive" was launched. It ran through the remainder of the year. Immediate notable results of the campaign have been considerable increases in passenger count through Mid-Continent. 113,336 passengers used Wichita Mid-Continent Airport in November 2002. That is a 35.9% increase in passenger traffic over November 2001. October was also a success, showing an increase from 81,783 in 2001 to 122,305 in 2002, which is an increase of nearly 50%! To assure continued success of the Airport, it is proposed that a supplemental agreement to continue the promotional and marketing campaign through June of 2003.

The proposed supplemental agreement will pay for services that will not exceed \$300,000.

Motion -- Martz moved that the Agreement be approved and the necessary signatures be authorized. Motion
-- carried carried 6 to 0. (Knight absent)

EXECUTIVE SESSION

Motion -- Martz moved that the City Council move to executive session to consider consultation with legal
counsel on matters privileged in the attorney-client relationship relating to potential litigation, and legal
advice; preliminary discussions relating to the acquisition of real property for public purposes; and
confidential data relating to the financial affairs or trade secrets of a business; and that the City Council
return no earlier than 11:45 a.m. Motion carried 6 to 0. (Knight absent)
-- carried

RECESS The City Council recessed at 11:04 a.m. and returned at 12:00 p.m.

Motion -- Martz moved that payment of the appraisers' award, together with the appraisers' fees and court costs
for the total amount of \$9,330 to acquire the property at 1251 North Broadway, be authorized. Motion
-- carried carried 6-0. (Knight absent)

ADJOURNMENT The City Council meeting adjourned at 12:01 p.m.

Pat Graves CMC
City Clerk